



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,961	03/30/2001	Mark Bunger	SFTC-01004US0	8324
28554	7590	01/10/2007	EXAMINER	
VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			FISCHETTI, JOSEPH A	
			ART UNIT	PAPER NUMBER
			3627	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	09/822,961	BUNGER ET AL.
	Examiner	Art Unit
	Joseph A. Fischetti	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 October 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) 11-27 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application
 6) Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kliger et al. in view of Gardenswartz et al.

Kliger et al. and Gardenswartz et al. disclose a method for facilitating a transaction between at least one user, at least one merchant, and at least one associate. Kliger et al. disclose:

transferring, from a user processing device to an associate processing device, a user identification value (official notice is taken of the old and well known practice of passing a PC identification value along with communications emanating from a user computer);

inputting by a user, into the user processing device, an address for an associate Web site on the associate processing device (col. 4 lines 9-12, the client computer with web browser 200 requests a web page from a web server 210 (the associate processing device) using a URL);

transferring, into the user processing device from the associate processing device, a first merchant link for a first merchant Web site on a first merchant processing device (col. 4, lines 13-18,...the web page server 210 will store a cookie on the client computer as part of the reply to the input on the web page);

selecting, by the user, the first merchant link (user makes a request for a web page col. 4 line 38);

transferring, into the user processing device from the associate processing device, information regarding a first product from the first merchant Web site (advertisement banners are read as information which are transferred into the user client computer from the associate processing device 210);

converting the user identification value to a promotional information (the cookie from the user device is read as an identification value which must contain the ID for the user in order to cause promotional information e.g. profile data to be retrieved see col. 5 lines 5-15);

transferring, from the associate processing device to the merchant processing device, the promotional information and the purchase information (the profile information at server 230 is read as the agent for the merchant and the cookie associated with the user is read as promotional information which passes from the server 210 to the server 230).

However, there appears to be no disclosure in Kliger et al. for:

- selecting, by the user, the first product to purchase;
- providing, by the user, purchase information for purchasing the first product;
- adding the promotional information, by the associate processing device, to the purchase information responsive to the user identification value;
- transferring, from the user processing device to the associate processing device, the purchase information.

However, Gardenswartz et al. do disclose collecting consumer purchase histories once a selection is made a data base 8 is updated. It would be obvious to modify Kliger et al. to provide a purchase based system and include as part of the profile 255 the purchase habits of the user, the motivation would be better direct marketing techniques.

Claim 2. In Kliger et al., a browser is a proxy server.

Art Unit: 3627

Claim 3. Official notice is taken of browser framing.

Claim 4. In Kliger et al., an advertisement is read as a key value.

Claim 6. In Kliger et al., see applets as transferring to a second merchant site.

Claims 5,7,8. Gardenswartz et al disclose a CID card having the user identification value and a pass code value associated with a purchased product package. It would be obvious to transfer, from the user processing device in Kliger et al to the associate processing device, the pass code value of Gardenswartz et al. the motivation being the identification of the user and the merchant links as part of the Applets in Kliger et al would obviously respond to the ID.

Claim 9. In Kliger et al., profile parameter database 255 is relational.

Claim 10. In Kliger et al., advertisements are always focused on key issues.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.


JOSEPH A. FISCHETTI
PRIMARY EXAMINER

Joseph A. Fischetti
Primary Examiner
Art Unit 3627